

REMARKS

Claims 1-22 are all the claims pending in the application. Reconsideration and allowance of all the claims are respectfully requested in view of the following.

Double Patenting

- The Examiner provisionally rejected claims 1, 4, 13, and 19-22, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 4, 6, 8, and 10 of copending Application No. 10/663,775 (hereinafter the '775 application).
- The Examiner provisionally rejected claims 1-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of US Patent 6,806,616 to Morikaku et al. (hereinafter Morikaku) in view of the '775 application.

In order to obviate both of these rejections, Applicants have filed herewith a terminal disclaimer with respect to the '775 application. As noted in *Quad Environmental Technologies*, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. It is improper to convert this simple expedient of "obviation" into an admission or acquiescence or estoppel on the merits.¹

In light of the above, Applicants respectfully request that the Examiner withdraw these rejections and pass this case to issue.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

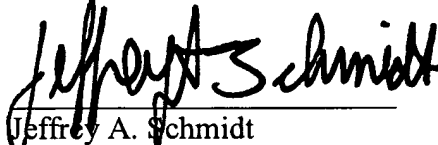
¹ *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ.2d 1392, 1394, 1395 (Fed. Cir. 1991).

Response Under 37 C.F.R. § 1.116
U.S. Appln No. 10/665,116

Atty Dkt No. Q77541

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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